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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,613	02/12/2004	Ronald R. Woller	8S08.1-200	4632

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GARDNER GROFF, P.C.
2018 POWERS FERRY ROAD
SUITE 800
ATLANTA, GA 30339

EXAMINER

CHIN SHUE, ALVIN C

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

NE

Office Action Summary

Application No.

10/777,613

Applicant(s)

WOLLER ET AL.

Examiner

Alvin C. Chin-Shue

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 7-11 and 15-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-11 and 15-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim 16 is objected to because of the following informalities: the phrase “the first ladder section” lacks antecedent basis. Appropriate correction is required.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 15 improperly depends from a canceled claim 5.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 16-18 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Graham Jr..

Claims 16-18 and 22 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Myers. Myers shows a seat 30.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 7-9 rejected under 35 U.S.C. 103(a) as being unpatentable over Maxwell in view of Hutchinson and Crozier. Maxwell shows the claimed ladder with the exception of the rails being double box beams and the closely overlaying bolsters. Hutchinson shows rails constructed as double box beams. Crozier in fig.7 shows a bolster 4 closely overlaying and wrapped around the distal edges of an I-beam. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the ladder of Maxwell to comprise rails constructed as double box beams, as taught by Hutchinson, to enable a strong lightweight construction, and to comprise bolsters closely overlaying and wrapped around the distal edges of the I-beam construction as taught by Hutchinson, as taught by Crozier, to enable a tightly fitting splice. The examiner takes official notice that threaded fasteners with knobs are conventional fasteners to facilitate hand assembly. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify either Cramer or Michel to comprise conventional knob fasteners in lieu of their bolts to facilitated hand assembly.

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maxwell, Hutchinson and Crozier, as applied to claim 1 above, and further in

view of Stillman, Jr. Stillman shows an aluminum ladder with angled rungs 7 with ridges. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the ladder of Maxwell to comprise aluminum rails and angled rungs with ridges, as taught by Stillman, as strong ,lightweight construction and a safety means.

Claims 2 and 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maxwell, Hutchinson and Crozier, as applied to claim 1 above, and further in view of Robertson. Robertson shows a seat 70. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the ladder of Maxwell to comprise a seat, as taught by Robertson, to aid in the comfort of a user. To make the ladder of aluminum, as is conventional in the art to enable a strong lightweight construction, and to use conventional releasable fasteners, e.g. bolts, in lieu of the rivets 20, to enable removable attachment of the bolsters 19, would have been an obvious engineering expediency.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maxwell, Hutchinson, Crozier and Robertson, as applied to claim 16 above, and further in view of Cramer et al. Cramer in fig.5 shows a bolster 12 removable secured to each ladder sections. It would have been obvious to one of ordinary skill

in the art at the time the invention was made to modify the ladder of Maxwell to comprise bolsters, as taught by Cramer, for interconnecting his ladder sections.

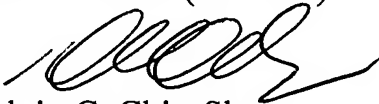
Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graham Jr. in view of Cramer et al. Graham shows the claimed ladder with the exception of the bolsters. Cramer in fig.5 shows a bolster 12 removable secured to each ladder sections. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the ladder of Graham to comprise bolsters, as taught by Cramer, for interconnecting his ladder sections.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Graham Jr. or Myers in view of Stillman, Jr. Both Graham and Myers show the claimed ladder with the exception of being constructed of aluminum. Stillman shows an aluminum ladder. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the ladder of either Graham or Myers to comprise aluminum rails and rungs, as taught by Stillman, as strong ,lightweight construction.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin C. Chin-Shue whose telephone number is 571-272-6828. The examiner can normally be reached on Monday-Friday, 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Alvin C. Chin-Shue
Examiner
Art Unit 3634

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